IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Bail Appl..No. 7078 of 2007()

CC.414/2004 of J.M.F.C.-III,THRISSUR
CRIME NO.136/04 OF OLLUR POLICE STATION

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PETITIONER:

K.G. CHAKRAPANI,
S/O. GOPALAN NAIR,
SANTHALAYAM,
EDATHALA NORTH,
ALUVA.

BY ADV. SRI.JOHN K.GEORGE

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

2. THE CHIEF EXECUTIVE OFFICER,
SABHARI DISTRIBUTORS PVT. LTD.,
N.H. ROAD,
EDAPPALLY.

BY P.P. SRI. GIKKU JACOB.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7078 OF 2007

Dated this the 14th day of November, 2007

ORDER

The petitioner faces indictment in a prosecution for offences punishable, inter alia, under Secs.408 and 471 of the IPC. The petitioner was not available for arrest at the crime stage. Investigation is now complete. Final report has already been filed. Cognizance has been taken by the learned Magistrate. The Calendar Case is pending. Consequent to the non-appearance of the petitioner, a warrant of arrest has been issued by the learned Magistrate to procure the presence of the petitioner. The petitioner finds such warrant of arrest chasing him.

2. According to the petitioner, he is absolutely innocent. His absence earlier was not wilful or deliberate. In fact, the matter has been settled between the parties and the

complainant has agreed to settle and compound the offences allegedly committed against him. The petitioner is willing to surrender before the learned Magistrate and seek regular bail. But he apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned Magistrate to release him on bail when he appears before the learned Magistrate.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits, in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

4. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the

learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge